

## HOUSE BILL NO. 274

INTRODUCED BY C. JUNEAU

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE SCHOOL COMPULSORY ENROLLMENT AND  
5 ATTENDANCE LAWS; REQUIRING A STUDENT TO REMAIN IN SCHOOL UNTIL 18 YEARS OF AGE,  
6 COMPLETION OF THE 12TH GRADE, OR COMPLETION OF A GENERAL EQUIVALENCY DEGREE,  
7 WHICHEVER COMES FIRST; REVISING THE PROCEDURES FOR GIVING NOTICE OF AN UNEXCUSED  
8 ABSENCE; REVISING THE PENALTIES FOR VIOLATIONS OF THE COMPULSORY ENROLLMENT AND  
9 ATTENDANCE LAWS; AMENDING SECTIONS 20-5-102, 20-5-103, AND 20-5-106, MCA; AND PROVIDING  
10 AN EFFECTIVE DATE."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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14 **Section 1.** Section 20-5-102, MCA, is amended to read:  
15 **"20-5-102. Compulsory enrollment and excuses.** (1) Except as provided in subsection (2), any a  
16 parent, guardian, or other person who is responsible for the care of any a child who is 7 years of age or older  
17 prior to the first day of school in any school fiscal year shall cause enroll the child to be instructed in the program  
18 prescribed by the board of public education pursuant to 20-7-111 until the later earlier of the following dates:  
19 (a) the child's 16th 18th birthday;  
20 (b) the date of completion of the work of the 8th 12th grade; or  
21 (c) the date of passage of the general equivalency degree examination.  
22 (2) A parent, guardian, or other person shall enroll the child in the school assigned by the trustees of  
23 the district within the first week of the school term or when he the parent, guardian, or other person establishes  
24 residence in the district, unless the child is:  
25 (a) enrolled in a school of another district or state under any of the tuition provisions of this title;  
26 (b) provided with supervised correspondence study or supervised home study under the transportation  
27 provisions of this title;  
28 (c) excused from compulsory school attendance upon a determination by a district judge that  
29 attendance is not in the best interest of the child;  
30 (d) excused by the board of trustees upon a determination that attendance by a child who has attained

1 the age of ~~16~~ 18 is not in the best interest of the child and the school; or  
 2 (e) enrolled in a nonpublic or home school that complies with the provisions of 20-5-109. For the  
 3 purposes of this subsection ~~(2)~~(e), a home school is the instruction by a parent of ~~his~~ a child, stepchild, or ward  
 4 in ~~his~~ the parent's residence and a nonpublic school includes a parochial, church, religious, or private school."  
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6 **Section 2.** Section 20-5-103, MCA, is amended to read:

7 **"20-5-103. Compulsory attendance and excuses -- district attendance policy.** (1) Except as  
 8 provided in subsection (2), ~~any~~ a parent, guardian, or other person who is responsible for the care of ~~any~~ a child  
 9 who is 7 years of age or older prior to the first day of school in any school fiscal year shall cause the child to  
 10 attend the school in which ~~he~~ the child is enrolled for the school term and each school day ~~therein~~ of the school  
 11 term prescribed by the trustees of the district until the ~~later~~ earlier of the following dates:

12 (a) the child's ~~16th~~ 18th birthday;

13 (b) the date of completion of the work of the ~~8th~~ 12th grade; or

14 (c) the date of passage of the general equivalency degree examination.

15 (2) The provisions of subsection (1) do not apply ~~in the following cases~~ if:

16 (a) ~~The~~ the child has been excused under one of the conditions specified in 20-5-102-;

17 (b) ~~The~~ the child is absent because of illness, bereavement, or other reason prescribed by the policies  
 18 of the trustees-; or

19 (c) ~~The~~ the child has been suspended or expelled under the provisions of 20-5-202.

20 (3) The trustees of a school district may not deny a student credit in a course or subject solely because  
 21 of the student's absence from school. The trustees shall specify the conditions under which a student will be  
 22 permitted to take examinations missed during an absence.

23 (4) (a) The trustees may establish a policy that allows a student to be assigned to a supervised period  
 24 of detention or to a supervised directed study program that need not be held during the regular school day. The  
 25 policy must specify the conditions under which credit will be given for work completed during the period of  
 26 detention or under the supervised directed study program.

27 (b) The policy may include a provision allowing a student who is 16 years of age or older to attend a  
 28 vocational, technical, or adult education program in lieu of attending high school or to attend school on a  
 29 part-time basis."

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1           **Section 3.** Section 20-5-106, MCA, is amended to read:

2           **"20-5-106. Truancy.** (1) As used in this section, "truancy" or "truant" means the absence of a child from  
 3 school for part or all of 1 or more days during which the attendance officer, principal, or teacher has not been  
 4 notified by the parent, guardian, or other person responsible for the care of the child as to the cause for the  
 5 absence. The term includes intermittent attendance carried on for the purpose of circumventing the provisions  
 6 of this section.

7           (2) Whenever the attendance officer discovers a child truant from school or a child subject to  
 8 compulsory attendance who is not enrolled in a school providing the required instruction and has not been  
 9 excused under the provisions of this title, ~~he~~ the attendance officer shall notify ~~in writing~~ the parent, guardian,  
 10 or other person responsible for the care of the child that the continued truancy or nonenrollment of ~~his~~ the child  
 11 ~~shall will~~ result in ~~his~~ prosecution under the provisions of this section. A written record must be kept of all  
 12 contacts by an attendance officer with a parent, guardian, or other person responsible for the care of the child  
 13 who is truant.

14           (3) (a) If the child is not enrolled and in attendance at a school or excused from school within ~~2 days~~  
 15 1 day after the receipt of the notice, the attendance officer shall file a complaint against ~~such~~ the parent,  
 16 guardian, or other person responsible for the care of the child in a court of competent jurisdiction.

17           (b) Each day of continued truancy after the issuance of a complaint by the attendance officer constitutes  
 18 a separate offense.

19           ~~(2) If convicted, such person shall be fined not less than \$5 or more than \$20. In the alternative, he may~~  
 20 ~~be required to give bond in the penal sum of \$100, with sureties, conditioned upon his agreement to cause the~~  
 21 ~~enrollment of his child within 2 days thereafter in a school providing the courses of instruction required by this~~  
 22 ~~title and to cause the child to attend that school for the remainder of the current school term. If a person refuses~~  
 23 ~~to pay a fine and costs or to give a bond as ordered by the court, he shall be imprisoned in the county jail for a~~  
 24 ~~term of not less than 10 days or more than 30 days."~~

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 26           **NEW SECTION. Section 4. Penalties.** (1) Conviction of a first or second offense under 20-5-101  
 27 through 20-5-106 shall be punishable by a fine in an amount of not less than \$50 or more than \$100, by  
 28 imprisonment in the county jail for not more than 5 days, or by both fine and imprisonment.

29           (2) A third or subsequent conviction is punishable by a fine in an amount of \$100, by imprisonment in  
 30 the county jail for not more than 10 days, or by both fine and imprisonment.

